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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/030,394    02/25/98    YUSCHAK    <sup>PT</sup> G    19462.118

000136  
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SUITE 600  
WASHINGTON DC 20004

QM22/1024

EXAMINER
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LEWIS, A

ART UNIT	PAPER NUMBER
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3761

23

DATE MAILED:

10/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on \_\_\_\_\_ is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☐ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☐ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☐ 5. Other \_\_\_\_\_

☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

Legal Instruments Examiner

Art Unit: 3761

### DETAILED ACTION

1. The amendment filed 07/09/2001 is not fully responsive to the Office action dated 05/25/2001 because the amendment proposes amendments to claim 25 (i.e. a "new claim") that do not comply with 37 CFR 1.173(b and c), which sets forth the manner of making amendments in reissue applications. A supplemental paper correctly amending the reissue application is required including an explanation of the support in the disclosure of the patent for the amendment (as required by 37 CFR 1.173(c).

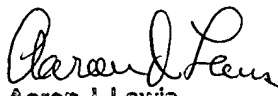
A shortened statutory period for reply to this letter is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Applicant is also referred to MPEP 1453 under the subheading "Examples of Proper Amendments".

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Lewis whose telephone number is (703) 308-0716.

Aaron J. Lewis

October 19, 2001

  
Aaron J. Lewis  
Primary Examiner